

1 Amy H. Rubin
2 FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
3 10 North Post, Suite 700
4 Spokane, Washington 99201
5 (509) 624-7606

6
7 Attorneys for Defendant

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE ROBERT H. WHALEY)

20
21
22
23
24
UNITED STATES OF AMERICA,)
Plaintiff,) CR-09-0089-RHW
vs.)
TIMOTHY SHELLY,)
Defendant.)

TO: JAMES McDEVITT, UNITED STATES ATTORNEY
STEPHANIE LISTER, ASSISTANT UNITED STATES ATTORNEY

20
21
22
23
24
TIMOTHY SHELLY, through counsel, Amy H. Rubin for the
Federal Defenders of Eastern Washington and Idaho, moves the Court to
continue the sentencing hearing currently scheduled for June 30, 2010
and to extend the filing deadline for Objections to the Presentence
Investigation Report and Sentencing Memorandum.

20
21
22
23
24
CASE BACKGROUND

20
21
22
23
24
On August 20, 2009, Mr. Shelly appeared before Magistrate
Imbrogno and was advised of the allegations contained in the
Indictment. The allegations included in the Indictment were violations of
18 U.S.C. § 2422(b), 18 U.S.C. § 2251(a), 18 U.S.C. § 2423(b), 18 U.S.C.

§§ 2428 and 2253.

On March 24, 2010, Mr. Shelly entered a plea of guilty pursuant to written plea agreement. Sentencing is presently scheduled for June 30, 2010 at 9AM.

REQUEST FOR CONTINUANCE

Mr. Peven is co-counsel on this case along with the undersigned and would like to be present at the sentencing of Mr. Shelly. However, Mr. Peven plans to be out of town from June 25 through July 2, 2010. Therefore, counsel would respectfully ask the Court to move the date of sentencing from June 30 to mid-September. Mr. Shelly faces a significant sentence, so a delay will not negatively affect the amount of time he is detained.

Furthermore, Mr. Shelly has out-of-town family who has indicated that they would like to attend the sentencing. If the family is able to attend the sentencing hearing, setting the sentencing hearing in September will allow them sufficient time in order to make travel plans and take advantage of any airline specials that might be available.

Assistant United States Attorney Stephanie Lister was contacted regarding the continuance request and has no objection to this request. Mr. Shelly has no objections to continuing the sentencing. After speaking to AUSA Lister, both parties believe that a sentencing date scheduled in mid-September is appropriate..

FOR THE FOREGOING REASONS, Mr. Shelly respectfully

1 requests that this Court grant his motion to continue the sentencing
2 hearing until mid-September. Counsel further requests more time in
3 which to file the Objections to the Presentence Investigation Report and
4 Sentencing Memorandum. Lastly, neither party requests a hearing on
5 the matter.

6
7 Dated: June 1, 2010

8
9 Respectfully Submitted,

10 s/ Amy H. Rubin
11 GA 618349
12 Attorneys for Shelly
13 Federal Defenders of
14 Eastern Washington and Idaho
15 10 North Post, Suite 700
16 Spokane, Washington 99201
17 Telephone: (509) 624-7606
18 Fax: (509) 747-3539
19 Email: Amy_Rubin@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: STEPHANIE LISTER, Assistant United States Attorney.

s/ Amy H. Rubin
GA 618349
Attorneys for Shelly
Federal Defenders of
Eastern Washington and Idaho
10 North Post, Suite 700
Spokane, Washington 99201
Telephone: (509) 624-7606
Fax: (509) 747-3539
Email: Amy_Rubin@fd.org